



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 26 1988

Ref: SA/KNS

ALL AGREEMENT STATES

PROPOSED RULE TO REASSERT NRC'S AUTHORITY FOR APPROVING ONSITE LOW-LEVEL
WASTE DISPOSAL IN AGREEMENT STATES

NRC is proposing to amend its regulations to reassert NRC's jurisdiction for onsite low-level waste disposal for waste generated onsite at all reactors licensed by NRC in Agreement States. Also, for facilities licensed pursuant to Part 70 for special nuclear material activities, NRC believes it is prudent to clarify and to establish in the regulations that the onsite disposal of waste containing less than "critical mass" quantities of special nuclear material remains an NRC licensing function in order to retain control over the decommissioning process. Enclosed is a copy of the proposed rule as published in the Federal Register on August 22, 1988. The comment period expires October 21, 1988.

If you have any questions, please contact Kathleen Schneider at
301-492-0320.

A handwritten signature in cursive script, reading "Donald A. Nussbaumer".

Donald A. Nussbaumer
Assistant Director for
State Agreements Program
State, Local and Indian Tribe Programs

Enclosure:
As stated

disbursements. Disbursements of these funds are subject to the same REA approvals as loan funds.

(d) The borrower shall request advances as needed to meet its obligations promptly. Generally, REA does not approve an advance requested more than 60 days before the obligation is payable.

(e) Funds should be disbursed for the items for which they were advanced. If the borrower needs to pay an invoice for which funds have not been advanced and disbursement of funds for another item has been delayed, the latter may be disbursed to pay the invoice up to the amount approved for advance for that item on the FRS. The borrower shall make erasable entries on the next FRS showing the changes under "Total Advances to Date" and shall explain the changes in writing before REA will process the next FRS.

(f) Advances will be rounded down to the nearest thousands of dollars except for final amounts.

(g) The certification on each of the three copies of the FRS sent to REA shall be signed by a corporate officer or manager authorized by resolution of the board of directors to sign such statements. At the time of such authorization, a certified copy of the resolution and one copy of REA Form 675, Certificate of Authority, shall be submitted to REA.

(h) The documentation required for the FRS transactions are the deposit slips, the canceled construction fund checks and the supporting invoices or reimbursement schedules. These shall be kept in the borrower's files for periodic audits by REA.

§ 1754.8 Temporary excess construction funds.

(a) When unanticipated events delay disbursement of advances, the funds other than funds lent by FFB can be returned as a refund of an advance or can be used as follows depending on their source.

(1) With REA funds, the borrower may invest the funds in 5% Treasury Certificates of Indebtedness—R.E.A. Series.

(2) With FFB or RTB funds, the following apply:

(i) The borrower can invest the funds in short term securities issued by the United States Treasury.

(ii) If permitted by State law, the borrower may deposit the funds in savings accounts, including certificates of deposit, of federally insured savings institutions.

(3) Funds advanced by a guaranteed lender other than the FFB may, if so permitted by such lender, be invested

under the terms and conditions described above for FFB advances.

(4) Any security or investment made under this authorization shall identify the borrower by its corporate name followed by the words "Trustee, Rural Electrification Administration."

(5) All temporary investments and all income derived from them shall be considered part of the construction fund and be subject to the same controls as cash in that account.

(6) Securities and other investments shall have maturity dates or liquidating provisions that ensure the availability of funds as required for the completion of projects and the payment of obligations.

(7) Any instrument evidencing a security or other investment herein authorized to be purchased or made, may not be sold, discounted, or pledged as collateral for a loan or as security for the performance of an obligation or for any other purpose.

(8) The Administrator may, at his sole discretion, require a borrower to pledge as additional security for loans to the borrower any security or other evidence of investment authorized hereby by forwarding to him all pertinent instruments and related documentation as he may reasonably require.

(9) Borrowers shall be responsible for the safekeeping of redeemable and negotiable securities and other investments.

(b) All interest and income received from investments of temporary excess funds as described in this section shall be deposited in the Construction Fund.

(c) The borrower shall account for investment proceeds on the next FRS submitted to REA. REA will make the necessary adjustments on budgetary records.

(d) The Administrator reserves the right to suspend any borrower's authorization to invest temporary excess funds contained herein.

§ 1754.9 Order and method of advances of telephone loan funds.

(a) Generally, advances are made against the oldest note not fully advanced. Exceptions include a special note issued in connection with a particular application of funds such as for an acquisition or refinancing. When a borrower has received more than one loan, any unadvanced funds from prior loans normally are advanced first. When a borrower has concurrent loans from the RTB and REA, the RTB funds are advanced first, unless specifically authorized in writing by REA.

(b) When a borrower has obligations related to telephone construction, the first advance is generally limited to the

amount required to retire those obligations.

(c) Normally, only one payment is made by the Automatic Clearing House (ACH) for an advance of funds.

(d) Borrowers of REA funds may request advances by wire service only for amounts greater than \$500,000. FFB advances in any amount over \$100,000 can be sent by wire service.

(e) The following information shall be included with the FRS:

(1) Name and address of borrower's bank.

(2) If borrower's bank is not a member of the Federal Reserve System, the name and address of its correspondent bank that is a member of the Federal Reserve System.

(3) American Bankers Association (ABA) nine digit identifier of the receiving banks (routing number and check digit).

(4) Borrower's bank account title and number.

(5) Any other necessary identifying information.

§§ 1754.10—1754.99 [Reserved]

Dated: August 16, 1988.

Jack Van Mack,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 88-19018 Filed 8-20-88; 8:45 am]

BILLING CODE 2699-10-01

NUCLEAR REGULATORY COMMISSION

10 CFR Part 150

Reasserting NRC's Authority for Approving Onsite Low-Level Waste Disposal in Agreement States

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend its regulations to reassert NRC's jurisdiction for onsite low-level waste disposal for waste generated onsite at all reactors licensed by NRC in Agreement States. For facilities licensed pursuant to Part 70 of this chapter for special nuclear material activities, the Commission believes it prudent to clarify and to establish in the regulations that the onsite disposal of non-critical waste quantities of special nuclear material remains an NRC licensing function in order to retain control over the decommissioning process. The proposed rule is necessary to: (1) Provide a more centralized and consistent regulatory review of all onsite waste management activities and (2)

avoid duplication of regulatory effort by the NRC and Agreement States. The uniform review procedures which will accrue from the proposed rule are intended to provide greater assurance that onsite radioactive material will not present a health hazard at a later date after the site is decommissioned.

DATES: Comment period expires October 21, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration can be given only for comments received on or before this date.

ADDRESSES: Mail comments to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland. Copies of comments received may be examined to the NRC Public Document Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John C. Stewart, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 462-3618.

SUPPLEMENTARY INFORMATION

Background

The Commission believes that jurisdiction for onsite disposal in Agreement States of low-level waste generated onsite at NRC-licensed reactors should be vested in the Commission. For facilities licensed pursuant to Part 70 of this chapter for special nuclear material activities, the Commission believes it prudent to clarify and to establish in the regulations that the onsite disposal of non-critical waste quantities of onsite special nuclear material remains an NRC licensing function in order to retain control over the decommissioning process. In non-Agreement States there is no jurisdictional issue; the NRC licenses and regulates the onsite handling, storage and disposal of low-level radioactive waste. However, in Agreement States, the NRC licenses and regulates only onsite handling and storage of low-level radioactive waste for reactor licensees. Onsite disposal of low-level radioactive waste is regulated by the state regulatory agencies in Agreement States. In Agreement States, the Atomic Energy Commission did not reserve jurisdiction under 10 CFR 150.15(a) for onsite low-level waste disposal at NRC-licensed facilities. The Statement of Considerations accompanying that regulation when it was promulgated states that "the states will have control over land burial of low-

level wastes," and that the Commission decided against "control over land burial of waste" in Agreement States by relinquishing jurisdiction of onsite disposal of low-level waste to the states while retaining AEC jurisdiction of high-level waste disposal (27 FR 1351; February 14, 1962).

In 1981, in revoking 10 CFR 20.304 (which previously allowed for the disposal of certain small quantities of radionuclides without prior NRC approval), the Commission determined that case-by-case regulation of onsite low-level waste disposal was needed because these materials could potentially cause significant radiation exposures if mishandled, improperly buried, or disturbed after disposal (45 FR 71761; October 30, 1980). Under current law Agreement States have the authority to regulate the disposal of low-level waste products onsite. In order for the NRC to retain control over the entire decommissioning process, it is necessary to amend 10 CFR 150.15(a) to return jurisdiction over onsite disposal to the NRC.

Proposed Rule

The Commission is proposing to amend 10 CFR 150.15 to reassert NRC jurisdiction over onsite low-level waste disposal generated onsite in Agreement States at NRC-licensed reactors and 10 CFR Part 70 facilities. The two new paragraphs below would be added to 10 CFR 150.15(a):

(8) The disposal, within the protected and exclusion areas of a nuclear reactor licensed by the Commission, of radioactive wastes generated at the reactor site.

(9) The disposal, within restricted areas and contiguous property established for activities carried out under licenses issued pursuant to Part 70 of this Chapter, of special nuclear material waste generated at the licensee's facility.

The terms restricted areas, protected areas, and exclusion areas have the same meanings as defined in §§ 20.3(a)(14), 73.2(g), and 100.3(a), respectively.

Environmental Impact: Categorical Exclusion

Under the Commission's regulations in 10 CFR Part 51, this proposed rule is within the categorical exclusions in § 51.22(c)(1) and therefore neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act Statement

This proposed rule does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et

seq.). Existing requirements were approved by the Office of Management and Budget, approval number 5150-0032.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternative considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from John C. Stewart, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-3618.

The NRC requests comment on the draft regulatory analysis. Comments on the draft analysis may be submitted as indicated under the ADDRESSES heading.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule clarifies jurisdiction for disposal of radioactive waste at nuclear reactors and Part 70 facilities operating under licenses issued pursuant to the Atomic Energy Act of 1954, as amended, and Title II of the Energy Reorganization Act of 1974. Generally, the operators of nuclear reactors and Part 70 facilities do not fall within the definition of a small business adopted by the NRC (50 FR 50241; December 8, 1985). Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, that a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.100(a)(1).

List of Subjects in 10 CFR Part 150

Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274.

1. The authority citation for Part 150 continues to read as follows:

Authority: Sec. 161, 66 Stat. 946, as amended, sec. 274, 73 Stat. 886 (42 U.S.C. 2201, 2201); sec. 201, 66 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under sec. 11e(2), 61, 66 Stat. 923, 935, as amended, sec. 83, 64, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114).

Section 150.14 also issued under sec. 53, 66 Stat. 930, as amended (42 U.S.C. 2073). Section 150.17a also issued under sec. 122, 66 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 63 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 66 Stat. 956, as amended (42 U.S.C. 2273); §§ 150.20(b)(2)-(4) and 150.21 are issued under sec. 161b, 66 Stat. 946, as amended (42 U.S.C. 2201(b)); § 150.14 is issued under sec. 161i, 66 Stat. 946, as amended (42 U.S.C. 2201(i)); and §§ 150.16, 150.19 and 150.20(b)(1) are issued under sec. 161o, 66 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 150.15 is amended by adding paragraphs (a) (8) and (9) to read as follows:

§ 150.15 Persons not exempt.

(a) * * *

(8) The disposal, within the protected and exclusion areas of a nuclear reactor licensed by the Commission, of radioactive wastes generated at the reactor site. The terms protected areas and exclusion areas have the same meanings as defined in § 73.2(g) and § 100.3(a), respectively.

(9) The disposal, within restricted areas and contiguous property established for activities carried out under licenses issued pursuant to Part 70 of this chapter, of special nuclear material waste generated at the licensee's facility. The term restricted areas has the same meaning as defined in § 20.3(a)(14).

Dated at Rockville, Maryland, this 16th day of August, 1988.

For the Nuclear Regulatory Commission,
Samuel J. Chalk,
Secretary of the Commission.

[FR Doc. 88-18906 Filed 8-19-88; 8:45 am]
BILLING CODE 7590-01-88

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Parts 35, 38, 292, 293 and 382

[Docket Nos. RM88-4-000, RM88-5-000 and
RM88-6-000]

Regulations Governing Independent
Power Producers and Bidding
Programs; Administrative
Determination of Full Avoided Costs;
Sales of Power to Qualifying Facilities;
and Interconnection Facilities

Issued August 10, 1988

AGENCY: Federal Energy Regulatory
Commission

ACTION: Proposed rule; order granting
requests for extension of time and
denying other related requests.

SUMMARY: On March 16, 1988, the
Federal Energy Regulatory Commission
(Commission) issued three notices of
proposed rulemaking in Docket Nos.
RM88-4-000, "Regulations Governing
Independent Power Producers" (53 FR
9327 (March 22, 1988)), RM88-5-000,
"Regulations Governing Bidding
Programs" (53 FR 9324 (March 22, 1988)),
and RM88-6-000 "Administrative
Determination of Full Avoided Costs,
Sales of Power To Qualifying Facilities,
and Interconnection Facilities" (53 FR
9331 (March 22, 1988)).

In this order, the Commission is
extending the time for filing reply
comments in Docket Nos. RM88-4-000,
RM88-5-000, and RM88-6-000 (including
reply comments on the *Orange &
Rockland Utilities, Inc.* issue) to
September 14, 1988. Related requests to
remove the page limitation established
for reply comments in these dockets and
to provide opportunity for oral
presentations of comments on the Draft
Environmental Impact Statement (DEIS)
are denied. The dates for filing
responses to the Commission's
questions raised at the public hearing
and for filing written comments on the
DEIS are also extended to September 14,
1988.

DATE: The date of this order is August
10, 1988.

Reply comments should be filed on or
before September 14, 1988.

Responses to the Commission's
questions raised at the public hearing
and written comments on the DEIS
should be filed on or before September
14, 1988.

ADDRESS: All filings should refer to
Docket Nos. RM88-4-000, RM88-5-000

and RM88-6-000, and should be
addressed to: Office of the Secretary,
Federal Energy Regulatory Commission,
825 North Capitol Street, NE,
Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:
Gilda Rodriguez, Office of the General
Counsel, Federal Energy Regulatory
Commission, 825 North Capitol Street,
NE, Washington DC 20426, (202) 357-
9155.

SUPPLEMENTARY INFORMATION: In
addition to publishing the full text of this
document in the Federal Register, the
Commission also provides all interested
persons an opportunity to inspect or
copy the contents of this document
during normal business hours in Room
1000 at the Commission's Headquarters,
825 North Capitol Street, NE,
Washington, DC 20426.

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access CIPS, set your communications
software to use 300, 1200 or 2400 baud,
full duplex, no parity, 8 data bits, and 1
stop bit. The full text of this order
granting extension of time will be
available on CIPS for 10 days from the
date of issuance. The complete text on
diskette in WordPerfect format may also
be purchased from the Commission's
copy contractor, La Dorn Systems
Corporation, also located in Room 1000,
825 North Capitol Street, NE,
Washington, DC 20426.

Order Granting Requests for Extension
of Time and Denying Other Related
Requests

Issued August 10, 1988

Before Commissioners: Martha C. Hease,
Chairman; Charles G. Stalon and Charles A.
Trabandt.

In response to certain requests for
extension of time in these proceedings,

¹ Request of Maine Public Utilities Commission
for Extension of Deadline for Filing Supplemental
Comments, filed July 18, 1988; Request for Extension
of Time to Submit Written Comments on the Draft
Environmental Impact Statement and for
Opportunity to make an Oral Presentation, on
behalf of the Operating Companies of the American
Electric Power System, filed July 28, 1988; and Joint
Motion of American Public Power Association,
Edison Electric Institute, National Rural Electric
Cooperative Association, National Association of
Regulatory Utility Commissioners and the
Consumer Owned Systems for Enlargement of Time
and Removal of Page Limitation, filed August 2,
1988.